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February 1, 2005

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Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

Re: **NOTICE OF EX PARTE PRESENTATION**
CS Docket No. 98-120

Dear Ms. Dortch:

On January 31, 2005, the undersigned, along with David Senter and Billy Senter on behalf of the Rural Television Alliance; David Honig, Executive Director of the Minority Media & Telecommunications Council; Chris Schepis, Government Relations Representative, National Farmers Union; Clark Herman of Clark Herman Associates speaking on behalf of the Communications Workers of America and the International Brotherhood of Electrical Workers; Manuel Mirabal, Hispanic Technology and Telecommunications Partnership; and Albert C. Zapanta, President and CEO, United States-Mexico Chamber of Commerce, met with Catherine Bohigian, legal advisor on media issues to Commission Kevin Martin, to discuss certain issues relating to the digital television transition.

Specifically, the parties discussed the impact on consumers and television broadcasters of an expected decision by the Federal Communications Commission ("FCC" or "Commission") ruling that cable operators will not be required to carry the free, digital multicast programming streams offered by television stations in their local markets. The parties described the public benefits of such programming, including increased diversity and localism and the potential for increased foreign language programming. The parties expressed concern that many segments of the U.S. population, including minority groups, people living in rural areas, and low income Americans, lack adequate information about the digital transition and risk losing access to the programming, including news and entertainment, that is necessary to keep them in the mainstream of American life.

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MORRISON & FOERSTER LLP

Ms. Marlene H. Dortch

February 1, 2005

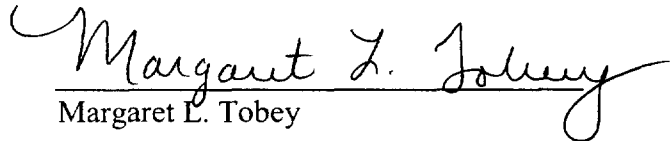
Page Two

The parties also discussed the important contribution that such additional programming streams can make to the survival of over-the-air television stations and to their viability as competitors to multichannel video programming providers. These additional programming services are also likely to spur consumers to invest in digital technology, thus hastening the digital transition, and to create new jobs for America's skilled communications workers. The parties emphasized, however, that new multicast programming offerings will not survive and deliver these benefits if they are not carried by cable systems and that reliance on voluntary carriage is not sufficient to ensure carriage.

Finally, the parties urged the Commission to consider, in all of its decision-making with respect to the digital transition, the impact of these decisions on consumers, particularly rural and low-income Americans, who rely on free, over-the-air television. In particular, the parties urged that a voucher or other subsidy program should be regarded as an essential condition precedent to the transition.

Pursuant to Section 1.1206(b)(2) of the Commission's Rules, an original and one copy of this letter have been submitted to the Office of the Secretary, and a PDF version of the letter has been sent by electronic mail to the Commission personnel who participated in the meeting. Questions concerning this submission should be addressed to the undersigned.

Very truly yours,


Margaret L. Tobey

cc: Catherine Bohigian